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REVIEW OF PRIORITY THEMES

Children as victims and perpetrators of crime

Report of the Secretary-General

Summary

The present report provides an overview of some activities undertaken by Governments and non-governmental organizations with regard to the elimination of violence against children committed by tourists in the context of child prostitution. It also provides a summary of the views expressed by Member States on the establishment of a convention on the illicit traffic in children. Seventeen States supported the elaboration of such a convention. One considered the exercise not to be fruitful. A global comprehensive approach against trafficking in children requires more information on this phenomenon, such as the approximate number of victimized children and the routes being used for such trafficking.

The present report also outlines possible ways to elaborate a programme of action to promote the effective use and application of international standards and norms in juvenile justice. This would entail developing an inventory of current needs of Member States, as well as projects undertaken or envisaged by Governments, non-governmental organizations and agencies at the regional and international levels. It would also entail establishing a mechanism to develop and implement technical assistance projects in juvenile justice, in cooperation with the Committee on the Rights of the Child, the Centre for Human Rights, the Crime Prevention and Criminal Justice Division, the United Nations Children's Fund and possible donor agencies. Such a mechanism should ensure that the international community is in a position to adequately respond to requests by Member States for assistance in the implementation of the Convention on the Rights of the Child and other international standards and norms in juvenile justice.

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INTRODUCTION

1. The Commission on Crime Prevention and Criminal Justice, at its third session, adopted resolution 3/1, on violence against women and children. Pursuant to a request contained in that resolution, the Secretary-General submitted to the Commission at its fourth session a report on activities of United Nations bodies and institutions with regard to the issue of violence against women and children (E/CN.15/1995/5).

2. On the recommendation of the Commission at its fourth session, the Economic and Social Council adopted resolution 1995/27. In section IV of that resolution, the Council decided that the elimination of violence against children should be considered within the priority theme "Crime prevention in urban areas, juvenile and violent criminality" of the United Nations crime prevention and criminal justice programme in the biennium 1996-1997. It also decided that the open-ended in-sessional working group of the Commission at its fifth session should seek ways to develop and undertake practical activities, including training, research and advisory services, to achieve the goal of preventing and eradicating violence against children.

3. The Council, also in its resolution 1995/27, section IV, requested the Secretary-General to initiate the process of requesting the views of Member States on the elaboration of an international convention on the illicit traffic in children, which might embody elements necessary to efficiently combat that form of transnational organized crime.

4. Also in resolution 1995/27, section IV, the Council invited the Secretary-General to consider ways of elaborating a programme of action aimed at promoting the effective use and application of instruments on juvenile justice and requested the Secretary-General to report thereon to the Commission at its fifth session.

5. The present report provides information on recent initiatives to counter violence against children. It summarizes replies received from Governments on the elaboration of an international convention on the illicit traffic in children. It offers suggestions on modalities that could be followed for the elaboration of a programme of action aimed at promoting the effective use and application of relevant United Nations standards and norms in juvenile justice. Suggestions made in the report with regard to the elaboration of a programme of action are based, *inter alia*, on the

results of the preparatory meeting towards an integrated international strategy, held at Vienna from 12 to 13 January 1996. The meeting was organized with the support of the Austrian Government.

I. INITIATIVES TO COUNTER VIOLENCE AGAINST CHILDREN

6. One of the most harmful areas in which children may be subjected to violence, both physical and mental, is child prostitution. An estimated 1 million children have been forced into child prostitution worldwide. Sex tourism is regarded as an important contributing factor. It currently represents only a fraction of overall child prostitution; however, in a number of countries the illicit profits to be gained from sex tourism have increasingly attracted the interest of organized criminal groups. The prevention of violence against children committed in the context of child prostitution has become a matter of international concern. The Council, in its resolution 1995/27, section IV, requested the Secretary-General, subject to the availability of extrabudgetary funding, to organize a meeting of an expert group on the prevention of the sexual exploitation of children for commercial purposes within the context of international travel (sex tourism). The German Government organized a meeting, held at Bonn from 22 to 24 November 1995, that brought together policemen, prosecutors and judges from Denmark, Germany, Philippines, Sri Lanka, Sweden and Thailand to discuss possible strengthened cooperation and mutual assistance, in order to ensure that tourists who, in countries other than their own, sexually abuse or exploit children will be brought to justice. At the meeting, informal contacts were established to support future cooperation between the various agencies of the participating countries.

7. In addition, the International Criminal Police Organization (ICPO/Interpol) and End Child Prostitution in Asian Tourism, a non-governmental organization, organized a meeting with decision makers of several Asian and European countries that was held at Bangkok from 17 to 19 January 1996. The meeting elaborated concrete cooperation strategies to serve as a basis for more effective investigation and prosecution of child abuse cases involving sex tourists.

8. The Commission on Human Rights, in its resolution 1995/78, decided that its open-ended inter-sessional working group responsible for elaborating the guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication, should elaborate, as a matter of priority and in close cooperation with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Committee on the Rights of the Child, a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The working group met from 29 January to 9 February 1996 and on 22 March 1996. Proposals for a draft optional protocol are contained in the report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as basic measures needed for their eradication (E/CN.4/1996/101). The following parts of the draft optional protocol have been considered by the working group: introductory part; definitions; implementation of pertinent instruments (preamble); penalization, compensation and protection of children; international cooperation and coordination; assistance and rehabilitation; information, education and participation; and other matters. The current text of the draft optional protocol will be made available to interested parties at the fifth session of the Commission on Crime Prevention and Criminal Justice.

9. The Swedish Government will host the World Congress against Commercial Sexual Exploitation of Children, to be held at Stockholm from 26 to 31 August 1996. The World Congress will consider nine specialized themes, law reform and law enforcement; the sex exploiter; child pornography; prevention and psychological rehabilitation; health issues; education and training; tourism and sexual exploitation; media ethics; and human values. At the World Congress, a political declaration and a plan of action will be considered; the declaration will be addressed to Governments and the plan of action will target all sectors of society.

II. VIEWS OF MEMBER STATES ON THE ELABORATION OF AN INTERNATIONAL

CONVENTION ON THE ILLICIT TRAFFIC IN CHILDREN

10. In pursuance of Commission on Crime Prevention and Criminal Justice resolution 3/2, entitled "International traffic in minors", a report on the world situation with regard to international traffic in minors (E/CN.15/1995/4), prepared by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, was submitted to the Commission at its fourth session. The report concluded that international trafficking in minors was a serious criminal offence committed primarily by criminal organizations with international connections. The report stated that the problem must be dealt with by measures that included criminal prosecution and that only a concerted effort on the part of the international community would be effective in combating such offences. It noted that no systematic studies had been conducted at the international level on the problem of sale of and trafficking in children and juveniles, except for reports by special rapporteurs appointed by the Commission on Human Rights. Some progress had been made in that area, although the machinery for the trafficking in and sale of children was still insufficiently controlled. Trafficking in children and juveniles occurred, essentially, because there were intermediaries who derived considerable financial profit from such criminal activity; that in turn was possible because of the demand supported by sufficient economic strength to permit the existence of a market. The lucrative activities of the intermediaries should be classified as criminal, and penalties appropriate to such offences should be imposed (E/CN.15/1995/4, paras. 70, 72 and 73).

11. The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, in its resolution 7,[1] invited the Commission on Crime Prevention and Criminal Justice to initiate the process of requesting the views of States regarding the process of elaborating an international convention on the illicit traffic in children, which might embody necessary elements to efficiently combat that form of transnational organized crime. Subsequently, the Economic and Social Council, in its resolution 1995/27, section IV, requested the Secretary-General to initiate that process. In pursuance of that request, the Secretary-General sent a note verbale dated 31 January 1996 to Governments of Member States, requesting them to inform the Crime Prevention and Criminal Justice Division of their views on the matter.

12. By 24 April 1996, the Secretariat had received replies from 18 States. While Argentina, Australia, Austria, Cuba, Estonia, Germany, Guatemala, Holy See, Jordan, Luxembourg, Norway, Panama, Poland, Qatar, Slovenia, Tunisia and Turkey, in principle, favoured the elaboration of such a convention, Japan raised some issues of concern regarding possible overlap with other relevant international instruments. Some States explained the reasons for their views in detail and made concrete suggestions on the possible content of such a convention. Those views and suggestions are summarized below.

13. Argentina reported that it supported the establishment of an agreement on the prevention of international trafficking in children in order to effectively combat that form of organized crime. It stated that international traffic in children violates the Convention on the Rights of the Child (General Assembly resolution 44/25, annex). Argentina also referred to Commission resolution 3/2, on the international traffic in minors, and to Economic and Social Council resolution 1995/27, section IV. A future convention on the subject should take into account the following, based on the Inter-American Convention on International Trafficking in Minors, adopted at the Fifth Inter-American Specialized Conference on Private International Law, held at Mexico City in March 1994:

(a) The Convention should include a preambular or introductory part that should include the reaffirmation of the inherent basic rights of the child and the commitment of Member States to establish a penal system that is in the best interest of the child. It should include another part with the objectives and a third part that fixes the penal aspects;

(b) States parties should agree on definitions of the legal concepts of "minors", "trafficking", "trade", "abduction" and "detention". The agreement on such definitions is an essential condition for the effectiveness of a convention on the prevention and sanctioning of those illicit acts;

(c) As for the penal aspects *stricto sensu*, a model should be established concerning abduction of children, illegal detention of children (only when referring to an act of trafficking) and international trafficking in children, conceived as an illicit activity, determined by profit-making or other motivation. Such a model should consider the attempt to commit such acts, and should describe the circumstances that attenuate or aggravate penal responsibility. There should also be a general norm on the elements of conspiracy and participation, including the instigation and abetting of such acts. From the point of view of criminal policy, it would be appropriate to provide for an exemption from punishment in the case of biological parents reporting the act or collaborating in the investigation. That might be a way to avoid hindering the investigation and disclosure by penalizing all those involved in the act;

(d) Any such convention should include a technical assistance and cooperation system (including the exchange of information) and minimum rules on extradition specifically related to such cases. To that end, the convention itself should provide sufficient legal basis to proceed with extradition, in order to close a gap where sufficient extradition treaties do not exist.

14. Australia supported, in principle, the elaboration of an international convention on the illicit traffic in children. Referring to the inter-sessional open-ended working group for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (E/CN.4/1995/95) and to the draft declaration and draft action guidelines to be considered in August 1996 by the World Congress against Commercial Sexual Exploitation of Children, Australia suggested that there should not be any inconsistency between a new international convention on the illicit traffic in children and other United Nations instruments. Referring to the current discussion within the international community on the possibility of elaborating a new convention on the prevention of trafficking in women, Australia stated that, in its view, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV), annex) was out of date and moralistic, as it did not make the distinction between voluntary and forced prostitution. Australia suggested that consideration might need to be given to ensuring a coordinated approach to preventing trafficking in all peoples, particularly children and women.

15. The Austrian Federal Ministry of Justice supported in principle the idea of taking international measures against this form of transnational organized crime. However, experience had shown that the drafting of such a convention, as well as its implementation, required considerable time. The issue was not regarded as being immediately relevant to the situation in Austria, as cases of illicit trafficking in children in that country were not known to the Austrian authorities; there was no specific penal provision regarding trafficking in children.

16. Estonia stated that it recognized the need for the elaboration of an international convention on the illicit traffic in children and that the competent authorities of Estonia were willing to provide their assistance in that matter.

17. The Government of Germany regarded combating illicit traffic in children as a matter of the utmost importance. The idea of elaborating an international convention on the illicit traffic in children needed to be discussed further, taking due account of existing conventions in that specific area, which already provided a comprehensive legal framework (for example, the International Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, as amended by the Protocol signed at Lake Success, New York, on 12 November 1947).[2] The German Government was of the view that discussion should therefore concentrate on closing any loop-holes that might exist, by means of an international instrument.

18. The Government of Guatemala supported the elaboration of an international convention on the illicit traffic in children. Such a convention should provide States with a valuable juridical tool to implement international policies to fight that form of national and international crime effectively.

19. The Holy See favoured the elaboration of a convention against trafficking in children. Behind the trafficking in children were situations involving poverty and abandonment, which often stemmed from social and economic problems of families, such as widespread unemployment; little State support for large families or for families with little income; young persons quitting school because of financial problems of their families; debts of families

contracted with usurers or with criminal organizations repaid by illicit work or illicit activities involving minors; and moral or social degeneration in suburbs. Together with repressive measures, there must be preventive action aimed at promoting the socio-economic situation of families, the quality of life for children, and the mentality and the culture of the people in degenerating suburbs. Moreover, suburb reconstruction programmes should be formulated for suburbs, in addition to rehabilitation and social reintegration programmes for minors having already entered the cycle of prostitution, drug trafficking or organized crime.

20. Japan regarded the elaboration of an international convention on the illicit traffic in children as not fruitful. In its view, the elaboration of such a convention would unnecessarily overlap the relevant international instruments that already existed regarding the issue, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex), the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the International Convention for the Suppression of the White Slave Traffic and its Protocol.[3] In addition, a working group established under the Commission on Human Rights was elaborating a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (see paragraph 8 above). Japan suggested that States that shared the view that some provisions of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the International Convention for the Suppression of the White Slave Traffic had become inappropriate in terms of not meeting the needs of today's international society should specify which provisions were to be updated.

21. Norway stated that such a convention should go further than existing international conventions in that area, such as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Norway also stated that due consideration should be given to the fact that trafficking in children was usually an economically motivated crime and it should be viewed as such. It was important to keep in mind that trafficking in children was often connected with other forms of serious crime. Because of the organized and transnational aspects of trafficking in children, it was necessary to combat the problem with effective international cooperation involving police.

22. The Government of Panama pointed out that the use of children for economic exploitation was a growing phenomenon and that it was clearly linked with maladies of societies in the process of development, such as poverty, juvenile delinquency and social disintegration. The Government expressed its will to cooperate with all activities of the United Nations related to the elaboration of a convention on the illicit traffic in children, in which the necessary elements to combat efficiently that new form of transnational organized crime could be incorporated.

23. Poland, in support of the elaboration of such a convention, suggested taking into account the existing regulations, namely the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Convention on the Rights of the Child.

24. Qatar expressed the hope that such a convention would take into account the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex) and would benefit from the relevant provisions contained therein.

25. Tunisia referred to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery,[4] the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Convention on the Rights of the Child, which all provided that States parties should take appropriate legislative measures to fight against practices similar to slavery, which implied the exploitation of children or their work. The Tunisian Government stated that it could not but support the elaboration of an international convention on the illicit traffic in children which would contain effective mechanisms to counteract that form of transnational organized crime.

26. Turkey stated that there was no provision in Turkish legislation against the preparation of an international convention on the illicit traffic in children and that, therefore, it would favour the elaboration of such a convention.

III. TOWARDS THE FORMULATION OF A PROGRAMME OF ACTION TO PROMOTE THE EFFECTIVE USE AND APPLICATION OF INTERNATIONAL STANDARDS AND NORMS IN JUVENILE JUSTICE

27. Since the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 22 August to 3 September 1955, approaches to the prevention of juvenile delinquency, administration of juvenile justice and protection of the young have undergone a gradual evolution of thought and action under the aegis of the United Nations. Three instruments have been developed that cover the main aspects of juvenile justice, namely the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex).

28. Further to the restructuring of the United Nations crime prevention and criminal justice programme in the period 1991-1992, emphasis has been increasingly placed on the implementation of existing international standards and norms, as well as technical cooperation, in crime prevention and criminal justice. Numerous Member States have requested the Crime Prevention and Criminal Justice Division of the Secretariat to provide technical assistance to establish a juvenile justice system or to improve their juvenile justice courts, detention facilities and prevention policies. The Division has also participated in training seminars to upgrade the professional skills of juvenile justice personnel in various countries.

29. Taking into account the range of experience so far developed by the Division and the emerging concerns of the international community, a programme of action would be a most useful tool to support technical assistance activities, as well as the implementation of international standards and norms in juvenile justice, in a more concerted and effective manner.

A. Background and justification

30. As of 30 November 1995, the Convention on the Rights of the Child had been ratified or acceded to by 181 States. The Convention, which was developed in the context of the United Nations human rights programme, is the most important international instrument to protect the human rights of the child. Covering a wide range of fundamental rights and freedoms for children, the Convention, *inter alia*, stipulates basic guarantees for children who come into conflict with the law. Several States parties to the Convention have experienced problems in implementing the basic guarantees. For example, in some States, no separate jurisdiction for juveniles exists; pre-conflict stage resolution is not effectively used; diversion from criminal justice systems cannot be practised because of the absence of adequate alternative programmes; the administration of juvenile justice is inefficient; investigation and prosecution procedures are deficient; placement of juveniles in pre-trial detention is used inappropriately and for too long; or deprivation of children's liberty is not used as a last resort but as a general reaction to juvenile delinquency.

31. The Ninth Congress, in its resolution 7, entitled "Children as victims and perpetrators of crime and the United Nations criminal justice programme: from standard setting to implementation and action",[1] recommended that the Commission on Crime Prevention and Criminal Justice should invite the Secretary-General to consider, *inter alia*, ways of elaborating a programme of action aimed at promoting the effective use and application of (a) all relevant United Nations human rights instruments in the administration of justice, in particular with regard to children, and (b) United Nations standards and norms in juvenile justice. In the same resolution, the Ninth Congress requested the Commission to invite the Secretary-General to continue including in the various advisory services and technical assistance programmes, specific arrangements for technical assistance in the field of criminal justice and the administration of justice, with regard to children, including technical advice in law and criminal justice reform.

32. The discussion on the subject at the Ninth Congress was based on a working paper prepared by the Secretariat entitled "Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives" (A/CONF.169/7) and on the recommendations made by the Expert Group Meeting on Children and Juveniles in Detention: Application of Human Rights Standards, held at Vienna from 30 October to 4 November 1994 (E/CN.4/1995/100). The Expert Group Meeting was hosted by the Austrian Government and was organized by the Centre for Human Rights of the Secretariat, the Crime Prevention and Criminal Justice Division and the United Nations Children's Fund (UNICEF), in cooperation with the Ministry of Foreign Affairs, the Ministry of Youth and Family and the Ministry of Justice of the host country.

B. Goal and objective

33. The major goal of the programme of action would be to promote the effective use and application of (a) relevant United Nations human rights instruments in the administration of justice with regard to children and (b) United Nations standards and norms in juvenile justice. This would include providing requesting States with advisory services to assist them in applying these instruments by bringing about legal reforms and training practitioners, such as police, prosecutors, judges and correctional officers.

34. In order to ensure that requests by Member States are met with adequate assistance by international entities, such as the Department for Development Support and Management Services of the Secretariat, the Crime Prevention and Criminal Justice Division, the Centre for Human Rights, UNICEF or the United Nations Development Programme (UNDP), proper follow-up of initial advisory services is essential. This could be achieved by implementing juvenile justice reform projects designed to support sustainable human development and to strengthen democratic institutions and the observance of the rule of law. Cooperation among international, national and local entities, as well as non-governmental organizations, is essential.

35. The objective of the programme of action would be to offer assistance, upon request, in the establishment or improvement of juvenile justice systems to those States for which the Committee on the Rights of the Child has recommended reform. In accordance with the Convention on the Rights of the Child, article 44, States parties to the Convention have the obligation to report on its implementation. The main functions of the Committee are to review those reports and to identify areas in which States parties to the Convention are not fulfilling their obligations under the Convention. If the Committee identifies such deficiencies, it may recommend that the State party in question should take immediate action to comply with the Convention. In the area of juvenile justice, the Committee has so far recommended to 14 States that they should make improvements. In those cases, the Committee has recommended that the Government concerned should contact the Centre for Human Rights and/or the Crime Prevention and Criminal Justice Division for assistance to rectify problems in the area of juvenile justice.

36. The United Nations High Commissioner for Human Rights has developed a plan of action aimed at assisting States parties to the Convention in their reporting obligation, thus improving the mechanism for reporting to the Committee on the Rights of the Child. States parties to the Convention would thus be in a position to submit more focused reports to the Committee, which, in turn, could make better focused, more specific recommendations to States parties. With regard to the area of juvenile justice in particular, the plan of action, as proposed by the United Nations High Commissioner, would be in harmony with the proposed programme of action, since a better report review procedure and more precise recommendations would facilitate the design of advisory services and would form a good basis for assessing needs in juvenile justice reform. The link between proper review procedures on the one hand and the provision of advisory services on the other was stressed by the Committee on the Rights of the Child in a general debate on the question of the administration of juvenile justice that was held at Geneva on 13 November 1995.

C. Main elements of the programme of action

37. The preparatory meeting towards an integrated international strategy, held at Vienna in January 1996, recommended that the programme of action should consist of the elaboration of an integrated international strategy on juvenile justice, to be accompanied by the development and implementation of technical assistance projects for countries facing the challenge to comply with the Convention on the Rights of the Child, in particular with respect to the application of juvenile justice instruments.

38. The strategy should be based on an inventory and analysis of the implementation of the Convention on the Rights of the Child. This should be done by reviewing the reports by States parties on the implementation of the Convention, submitted to the Committee pursuant to article 44 of the Convention. In addition, the inventory should include a summary of the recommendations of the Committee related to juvenile justice, contained in the concluding observations for each country. It should also take into consideration the use and application of the following three instruments adopted by the General Assembly with regard to juvenile justice: the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

39. The strategy should deal with the issue of how to make international cooperation in the field of juvenile justice more operational by identifying common problems faced by different countries. That would facilitate the analysis of shared needs, which in turn would lead to proposals on action to confront shortcomings in juvenile justice systems at the local and national levels, for instance introducing diversion programmes, improving the administration of juvenile justice, reducing the use of remand homes and pre-trial detention, improving the treatment of juveniles in prisons and creating effective rehabilitation programmes.

40. Even more important than improving the functioning of the juvenile justice system is the prevention of juvenile delinquency. Emphasis needs to be placed on formulating comprehensive prevention plans, as called for by the Riyadh Guidelines. The programme of action, therefore, should focus on strategies to successfully socialize and integrate all children and young persons, in particular through the family, the community, peer groups, schools, vocational training and the world of work. The programme of action should pay particular attention to children in exceptionally difficult circumstances, such as street children. The specific needs of street children require innovative responses that avoid institutionalization and formal intervention by law enforcement and judicial authorities and that avoid making it a crime to be a street child. Examples of good practice could be easily borrowed by States with similar social situations, with a view to providing a more focused and effective response to common problems.

D. Ways to elaborate and test the programme of action

41. The preparatory meeting towards an integrated international strategy suggested that there should be a meeting of an expert group to finalize the draft programme of action for consideration by the Commission on Crime Prevention and Criminal Justice at its sixth session. In addition, the expert group should discuss two pilot projects on juvenile justice reform. The pilot projects would be designed to ensure that the draft programme of action meets the actual needs and requirements of Member States requesting assistance in establishing or improving their juvenile justice systems. The projects would be monitored and evaluated with a view to improving other projects to be designed under the umbrella of the programme of action. The expert group should identify responsibilities for the implementation of the initial pilot projects in terms of both their substantive input and their resources. Accordingly, an assessment of needs should be made and pilot projects should be formulated in order to reform juvenile justice systems in at least two countries in different regions.

42. The meeting of the expert group should bring together:

(a) Principal entities within the United Nations system in the areas of human rights, administration of justice and children's rights;

(b) Non-governmental organizations working in the areas of human rights, administration of justice and children's rights;

(c) National, regional and international development agencies and possible funding agencies.

43. The Government of Austria has offered to host the meeting of the expert group to prepare a draft programme of action to promote the effective use and application of international standards and norms in juvenile justice, which could be held at Vienna by the end of 1996.

44. The two pilot projects mentioned in paragraph 41 above will necessitate close cooperation between the Committee on the Rights of the Child, executing agencies such as the Centre for Human Rights and the Crime Prevention and Criminal Justice Division, and possible donors. Such cooperation could result in the establishment of a mechanism for project development and implementation to ensure an adequate and timely response to requests by Governments, based on recommendations made by the Committee following its review of reports by States parties on the implementation of the Convention on the Rights of the Child.

45. Once developed, the implementation of the programme of action would need to be properly monitored on a regular basis, particularly as regards the design, formulation and execution of technical assistance projects on the reform of juvenile justice in requesting Member States. The Commission, as the United Nations body responsible for juvenile justice, could, together with the Committee on the Rights of the Child, take a leading role in monitoring the programme of action.

IV. ACTION REQUIRED OF THE COMMISSION

46. The Commission may wish:

(a) To request the Secretary-General to develop a survey on illicit traffic in children to facilitate the development of strategies of concerted action against this form of transnational organized crime;

(b) To invite Member States to encourage:

(i) Exchange programmes between law enforcement personnel and other bilateral exchanges to deal with transnational trafficking in children;

(ii) The increased exchange of information, such as lists of known paedophiles and crime-linked data, in conformity with data protection legislation;

(c) To call upon Member States to establish a central registry of all missing children and to foster the cross-border exchange of information to facilitate the tracing and monitoring of the cases concerned.

47. In addition, the Commission may wish:

(a) To encourage further strengthened cooperation with the Department for Development Support and Management Services, the Centre for Human Rights, the Crime Prevention and Criminal Justice Division, UNICEF and UNDP to provide assistance on the reform of juvenile justice to requesting Member States;

(b) To take note with appreciation of the offer of the Austrian Government to host, by the end of 1996, the meeting of the expert group to finalize, for consideration by the Commission, a draft programme of action to promote the effective use and application of international standards and norms in juvenile justice and to discuss two pilot projects on juvenile justice reform;

(c) To decide to consider the draft programme of action at its sixth session.

Notes

[1]*Report of the Ninth United Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I. The report will subsequently be issued as a United Nations sales publication.

[2]United Nations, *Treaty Series*, vol. 53, No. 771.

[3]Ibid., vol. 98, No. 1358.

[4]Ibid., vol. 266, No. 3822.